IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Eric S. **BARNES**   **GROUP**: 2625

APPLICATION: 10/644,468   **EXAMINER**: H. Kassa

FILED: August 20, 2003   **CONFIRMATION: 5956**

FOR: APPARATUS AND METHOD FOR GENERATING REUSABLE COMPOSITE COMPONENTS DURING DYNAMIC DOCUMENT CONSTRUCTION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR PRE-APPEAL BRIEF REVIEW

The Applicant requests a Pre-Appeal Brief Review of the Final Office Action, dated October 22, 2008, issued in connection with the above-identified application. No amendments are being filed with this Pre-Appeal Brief Review Request.

This Pre-Appeal Brief Review Request is being filed with a Notice of Appeal. The Pre-Appeal Brief Review is requested for the reason(s) stated on the attached sheet(s).

Respectfully submitted,

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Arguments to be Considered by Pre-Appeal Brief Conference Panel

Rejection of Claim 1 under 35 U.S.C. §103

Claim 1 has been rejected under 35 U.S.C. §103 for being unpatentable over Brintzenhofe et al. (Published US Patent Application 2005/0223320) in view of Seseck et al. (Published US Patent Application 2003/0086098).

With respect to independent claim 1, the Examiner recognizes that Brintzenhofe et al. fails to disclose obtaining a list of document components from the page and identifying any non-cached components. With respect to Seseck et al., the Examiner alleges that the webpage of Seseck et al. may be a form with multiple fields to be filled in by the user (dynamic data). Moreover, the Examiner alleges that the fields of user filled in data (dynamic data) of Seseck et al. are document components which are identified as non-cached components.

In contrast, the presently claimed invention, as set forth by independent claim 1, explicitly sets forth obtaining a list of document components from the page. In other words, as set forth by independent claim 1, a single page generates a list having more than one document component.

As previously noted, at paragraph [0031], Seseck et al. discloses the generation of a list of print-ready documents or pre-ripped documents, not a list of list of document components from the page. As set forth in paragraph [0049], Seseck et al. discloses that the static portions of a webpage are saved as a single print-ready document or pre-ripped document and the individual print-ready documents or pre-ripped documents, not the various static portions of a webpage, are set forth in list 164.

In rebuttal, the Examiner asserts that Seseck et al. teaches a dynamic web-page having multiple fields for variable data. The Examiner further asserts that the various units of variable data are considered document components of the web page. The Applicant agrees that a unit of variable data is a document component; however, Seseck et al. fails to teach that a list of these units of variable data is obtained.

The only list obtained by Seseck et al. is a list of individual print-ready documents or pre-ripped documents. Seseck et al. fails to teach that the various static portions of a webpage form a list of a list of document components from the web page. Therefore, contrary to the Examiner's assertion, Seseck et al. teaches the generation of a list of

print-ready documents or pre-ripped documents, not a list of the various static portions of a webpage.

Moreover, as set forth in paragraph **[0049]**, Seseck et al. discloses that only a single print-ready document or pre-ripped document is listed for the static portions of a webpage because Seseck et al. discloses that the static portions of a webpage are saved as a print-ready document or pre-ripped document and the print-ready document or pre-ripped document, not the dynamic data, is set forth in list 164. Therefore, contrary to the Examiner's assertion, Seseck et al. fails to teach obtaining a list of document components from the page.

Therefore, contrary to the Examiner's allegations, the combination of Brintzenhofe et al. in view of Seseck et al. fails to render the presently claimed invention, as set by independent claim 1, obvious to one of ordinary skill in the art.

Rejection of Claim 2 under 35 U.S.C. §103

Claim 2 has been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of Padgett et al. (US Patent 5,930,813).

With respect to independent claim 2, the Examiner recognizes that Gauthier fails to disclose assessing the rendered page for the possibility of having an underlay-overlay pair. With respect to Padgett et al., the Examiner alleges that the bounding techniques of Padgett et al. disclose assessing the rendered page for the possibility of having an underlay-overlay pair.

Padgett et al. discloses, at column 11, lines 9-25, that a document is analyzed to find highlighted text to determine if the various regions of highlighted text can be bound together in a single highlighted rectangle. Padgett et al. fails to disclose any assessing of a rendered page for the possibility of having an underlay-overlay pair, as defined by the present application.

Moreover, Padgett et al. fails to disclose that the determination of various regions of highlighted text triggers a search of a cache of reusable underlays for underlays having the reusable document components needed by the page. More specifically, Padgett et al. merely disclose that the determination of various regions of highlighted text triggers the deletion of any overlapping regions (column 11, lines 26-40).

In rebuttal, the Examiner asserts that Padgett et al. discloses the identification of two overlapping blocks of highlighted text. Moreover, the Examiner asserts that the two overlapping blocks of highlighted text form an underlay-overlay pair.

In contrast, the present application defines an underlay-overlay pair as being formed from cached and non-cached document components. More specifically, the underlay is defined as the cached document components of the rendered page. To determine the possibility of having an underlay-overlay pair in the rendered document, the rendered page is assessed for non-cached document components. If non-cached document components are found, these non-cached document components are turned into an overlay and cached, thereby forming an underlay-overlay pair.

Thus, the assessing the rendered page for the possibility of having an underlay-overlay pair requires the assessing of non-cached document components within the rendered page, not the determination if two highlighted blocks of text overlap.

Therefore, Padgett et al. fails to disclose any assessing of a rendered page for the possibility of having an underlay-overlay pair, as defined by the present application and fails to disclose that the disclosed determination of various regions of highlighted text is related to a search of a cache of reusable underlays for underlays having the reusable document components needed by the page.

Therefore, contrary to the Examiner's allegations, the combination of Gauthier in view of Padgett et al. fails to render the presently claimed invention, as set by independent claim 2, obvious to one of ordinary skill in the art.

Rejection of Claims 8-27 under 35 U.S.C. §103

Claims 8-27 have been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of Brintzenhofe et al. (Published US Patent Application 2005/0223320).

With respect to Independent claims 8 and 17, the Examiner recognizes that Gauthier fails to disclose a page description language interpreter that parses the document description into reusable document components and which combines the components into composites of reusable components and reusable underlays. With respect to Brintzenhofe et al., the Examiner alleges that the content tree disclosed by Brintzenhofe et al. discloses a page description language interpreter that parses the

document description into reusable document components and which combines the components into composites of reusable components and reusable underlays.

Contrary to the Examiner's assertions, Brintzenhofe et al. discloses, at paragraph **[0133]**, a content tree for a document containing a plurality of nodes. Brintzenhofe et al. fails to disclose a page description language interpreter that parses the document description into reusable document components. Moreover, Brintzenhofe et al. fails to disclose a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays. More specifically, Brintzenhofe et al. merely disclose the structure of a content tree for a document without any generation of composites, as defined by independent claim 8.

In rebuttal, the Examiner asserts that Brintzenhofe et al. discloses, at paragraph **[0150]**, the adding of content to the composition. Although Brintzenhofe et al. discloses, at paragraph **[0150]**, the adding of content to the composition, such a teaching is not relevant to a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

More specifically, the adding of content to an existing composition does not teach the combining of reusable document components into composites of reusable document components. Moreover, the adding of content to an existing composition does not teach the combining of reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

The Examiner has failed to provide any reasoning or argument that would demonstrate how the adding of content to an existing composition teaches a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Brintzenhofe et al. fails to disclose a page description language interpreter that combines some of the reusable document components into composites of reusable

document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Therefore, contrary to the Examiner's allegations, the combination of <u>Gauthier</u> in view of <u>Brintzenhofe et al</u>. fails to render the presently claimed invention, as set forth by independent claims 8 and 17, obvious to one of ordinary skill in the art.

CONCLUSION

Accordingly, in view of all the reasons set forth above, the Pre-Appeal Conference Panel is respectfully requested to reconsider and withdraw the present rejections. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

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